

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 Singular Computing LLC,)
4 Plaintiff,)
5 vs.) No. 19-CV-12551
6 Google LLC,)
7 Defendant.)

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10 BEFORE THE HONORABLE F. DENNIS SAYLOR IV
11 UNITED STATES CHIEF DISTRICT COURT JUDGE
12 STATUS CONFERENCE BY TELEPHONE

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14
15 John Joseph Moakley United States Courthouse
16 One Courthouse Way
Boston, Massachusetts 02210

17 February 23, 2021
18 10:10 a.m.

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21 Kathleen Mullen Silva, RPR, CRR
22 Official Court Reporter
23 John Joseph Moakley United States Courthouse
24 One Courthouse Way, Room 7209
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25 Mechanical Steno - Computer-Aided Transcript

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P R O C E E D I N G S

THE CLERK: Court is now on the record in the matter of Singular Computing LLC v. Google LLC, Civil Action 19-12551.

Participants are reminded that photographing, recording and rebroadcasting of this hearing is prohibited and may result in sanctions.

Will counsel please identify yourselves for the record starting with the plaintiff.

MR. HAYES: Paul Hayes for Singular.

THE COURT: Good morning.

MR. HAYES: Good morning, Judge.

MR. SPEED: Good morning, Your Honor. This is Nathan Speed on behalf of the defendant Google from Wolf, Greenfield & Sacks. I'm joined by Matthias Kamber from Kecker Van Nest and Asim Bhansali from Kwun Bhansali Lazarus.

THE COURT: Good morning.

MR. HAYES: Good morning, Your Honor.

MR. SPEED: Good morning.

THE COURT: This is a status conference in this case. The parties have filed a joint claim construction statement, which I've reviewed. It looks like we're on track for our Markman hearing on March 31.

I think that is set for 9:00 in the morning, if I have that right. I have an event at noon, a Zoom call to the Bar, which I do periodically with pandemic updates. Sometimes they

1 have a thousand people on the Zoom call. So I don't want to
2 leave a thousand people waiting. So that is our outer limit.
3 I'll give the parties an hour each. You said you're going to
4 need the full hour.

5 I'm guessing, at least from my standpoint, the stuff
6 is a little complicated. Why don't we do this: I have
7 something less than three hours, meaning I have two hours and
8 50 minutes, let's call it. Why don't I give each side an hour
9 and 15 minutes, if you need it. You can reserve 15 minutes for
10 reply or whatever. And that gives me a few minutes of wiggle
11 room in case we need it. And that will be the allotted time.

12 Is there anything else that we should take up while I
13 have you here? Mr. Hayes, anything from your end?

14 MR. HAYES: Nothing in particular, Judge. We set
15 forth some type of agreed schedule for this Markman hearing as
16 to who does what. I assume that the court is okay with that.

17 THE COURT: Yeah. That's perfectly fine. Yes. Thank
18 you.

19 MR. HAYES: Then other than that, everything seems to
20 be working along.

21 So you know, we have a dep the 10th, and we'll
22 probably have another one this year -- this month, and then --

23 THE COURT: This year. Geez, let's go faster than
24 that.

25 MR. HAYES: If it was up to me -- I'm the plaintiff,

1 Judge, I'll talk to them tomorrow, do all of them tomorrow.

2 But in any event, I think everybody is working pretty
3 well together and there's no real moaning and groaning, I
4 think, so far.

5 THE COURT: Well, that's music to my ears.

6 And from the defense?

7 MR. KAMBER: Your Honor, Matthias Kamber on behalf of
8 Google. There is one issue for which we need a little guidance
9 in advance of the Markman hearing.

10 As Mr. Hayes mentioned depositions, we have asked for
11 a deposition, the expert declaration and so forth. Singular's
12 responded, and we expect to get that.

13 The question is really for the court, which is rather
14 than spring any new evidence beyond the briefing on the court
15 at the hearing itself, we wondered whether you would be
16 amenable to having sort of supplemental briefs on the order of
17 five to eight pages that would allow us to reference the
18 deposition testimony, as well as perhaps some positions that
19 Singular has taken in its patent owner's preliminary response
20 in the IPRs that are relevant to the claim construction issues
21 before the court.

22 THE COURT: Okay. I have no problem with that, but
23 let's make it a page limit of eight pages, and why don't we
24 have that on file no later than Monday, March 15.

25 MR. HAYES: The only thing I would have, Judge, given

1 what my brother just had to say, is that Singular doesn't see
2 any particular need for the depositions of respective experts.
3 Both experts have submitted declarations in this case, and
4 that's the issue on the declarations as to what they had or
5 don't say. And to go into now an entire discovery phase of
6 depositions particularly when both parties agree we're not
7 going to use the live testimony of the depositions and we're
8 going to stand on the declarations, I think it's a waste of
9 time.

10 THE COURT: Well, you know, it may be. I can't really
11 judge that. I generally feel, within reason, if somebody wants
12 to say something, I'll let them say it, again within reason,
13 which is why eight pages sounds to me like the outer limit,
14 and, you know, I guess I'll say that both sides going forward,
15 you know, pick your spots carefully. I am drowning in words.
16 As I remind law clerks, millions of them come pulling in over
17 the transom metaphorically, you know, and I can only read so
18 much and do so much, but if you have a point you think you need
19 to make, I'll let you make it. Have mercy on the judge and his
20 clerks is the principal rule. Okay.

21 MR. KAMBER: Your Honor, thank you. That's why I
22 wanted to ask first. We appreciate it.

23 THE COURT: All right. Anything else?

24 MR. HAYES: That's about it, Judge. Thank you.

25 MR. SPEED: Thank you, Your Honor.

1 THE COURT: Anything else, then we will reconvene on
2 March 31, and, again, if you think a quick conference is
3 necessary, you know, for guidance or to resolve a dispute
4 between now and then, contact the clerk, and we'll try to set
5 something up.

6 MR. HAYES: Thank you, Judge.

7 MR. KAMBER: Okay. Thank you, Your Honor.

8 THE COURT: Okay. Thank you.

9 (Proceedings adjourned at 10:16 a.m.)
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C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS)

I certify that the foregoing is a correct transcript
from the record of proceedings taken February 23, 2021 in the
above-entitled matter to the best of my skill and ability.

/s/ Kathleen Mullen Silva

3/5/21

Kathleen Mullen Silva, RPR, CRR
Official Court Reporter

Date